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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HOSSEIN DABESTANI,

Defendant.

No. CR 12-708 EJD

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING STATUS
HEARING AND EXCLUDING TIME
FROM SPEEDY TRIAL ACT
CALCULATION

The parties stipulate as follows:

1. This case is set for status before Judge Edward J. Davila on February 25, 2013, at 1:30 p.m.

2. The parties seek the Court's permission to vacate the status hearing set for February 25, 2013 and continue it to April 15, 2013, at 1:30 pm for the following reasons: government counsel is unavailable on February 25, 2013, the parties are continuing to meet and confer on matters related to the case, and defense counsel is continuing to review discovery produced by the government.

3. The parties further request that time be excluded under the Speedy Trial

No. CR 12-708 EJD
ORDER EXCLUDING TIME

1 Act, 18 U.S.C. § 3161, from February 25, 2013 to April 15, 2013, for defense counsel's
2 effective preparation. The defense requests the time to review materials previously
3 provided by the United States in discovery.

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5 STIPULATED:

6
7 DATE: 2/21/13 /S/

8 PETER B. AXELROD
9 Assistant United States Attorney

10
11 DATE: 2/21/13 /S/

12 VARELL FULLER
13 Attorney for Defendant Hossein Dabestani

14 **ORDER**

15 Based on the parties' stipulation, the Court finds and holds, as follows:

16 1. The status conference set for February 25, 2013 is vacated. The status
17 conference is continued to April 15, 2013 at 1:30pm.

18 2. Time is excluded from calculation under the seventy-day time limit for the
19 commencement of trial under 18 U.S.C. § 3161(c)(1). The United States has provided
20 materials to defense counsel, and counsel needs additional time to review those materials.
21 Thus, there is good cause for the exclusion under 18 U.S.C. § 3161 for effective
22 preparation of defense counsel, and the ends of justice served by granting this
23 continuance outweigh the best interests of the public and of the defendant in a speedy trial
24 and the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A). The Court
25 further finds that failure to grant the continuance would deny counsel for all parties
26 reasonable time necessary for effective preparation taking into account the exercise of due
27 diligence under 18 U.S.C. § 3161(h)(8)(B)(iv).

28 3. Accordingly, and with the consent of the defendant, the Court orders that

1 the period from February 25, 2013 to April 15, 2013 be excluded from Speedy Trial Act
2 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3 IT IS SO ORDERED.

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6 DATED: 2/21/2013



EDWARD J. DAVILA
United States DISTRICT Judge